

REMARKS

Claims 1-3, 6-14, 16, 17, 19-27 and 34 to 41 are pending. Claims 4, 5, 15, 18, and 28-33 were previously canceled. Claims 6 and 7 are currently amended. New claims 35 to 41 have been added.

Reconsideration of the application is requested.

New claims 35 and 36 are supported, for example, by original claims 15 and 18.

Support for new claims 37, 38, and 40 can be found in the specification, for example, page 23, lines 23-29.

Support for new claims 39 and 41 can be found in the specification, for example, page 7, lines 25-27.

§ 112 Rejections

Claims 6-14 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action states:

Claims 6 and 7 recite that they depend from claim 5. However, claim 5 has been canceled. Claims 8-14 are rejected as dependent claims which depend from rejected claim 7. For the purposes of examination, claims 6 and 7 are understood to depend from claim 1 as this appears to be the interpretation most consistent with the prosecution history.

In response, claim 6 and 7 are currently amended to depend from claim 1. This amendment overcomes the rejection of claims 6-14 under 35 USC § 112, second paragraph, and Applicants request withdrawal of the rejection.

§ 103 Rejections

Claims 1, 3, 6-14, 16, 17, 19-26 and 34 are rejected under 35 USC § 103(a) as being unpatentable over Buzzell et al. (US 6,582,642), which incorporates Kennedy et al. (US 5, 260, 015) into the disclosure by reference, and in further view of Shepard et al. (US 6,342,285).

Applicants traverse the rejection on the grounds that for at least three reasons, a proper *prima facie* case of obviousness has not been made. First the combination of Buzzell et al. and Shepard et al. does not include all of the elements of claim 1. For example, this combination does not teach the employment of a nonwoven fibrous web layer that is in continuous contact with a thermoplastic web layer to form a precursor web laminate that is subsequently stretched to form a stretched mechanical fastening web laminate. Secondly, the Office Action provides insufficient evidence that a person having ordinary skill in the art would modify the combined teachings of Buzzell et al. and Shepard et al. to use a process in which an uncompressed, nonwoven material is stretched at the same time as the thermoplastic web. Finally, the proposed combination would change the principle of operation of Shepard et al. and is therefore insufficient to render the claims *prima facie* obvious.

The combination of Buzzell et al. and Shepard et al. does not include all of the elements of claim 1. In the grounds for rejection, the Office Action states "the examiner submits that in the combination with Buzzell et al., the uncompressed, nonwoven loop material fed between the rolls (14) and (16) is in continuous contact with the layer of thermoplastic resin". With this submission the examiner has attributed a process to the combination of Buzzell et al. and Shepard et al. that is not part of either of these disclosures. Buzzell et al. teaches methods of laminating additional material to a stretched thermoplastic web (abstract, last line and col. 17, lns. 10-23), including adhesive bonding or flame laminating. In one embodiment, Buzzell et al. teaches that the fabric can be stretched at the same time as the thermoplastic web when the fabric is precompressed (col. 15 and Fig. 13). In Shepard et al. (col. 10, lns. 27-37), the nonwoven loop material, stabilized with a binder in its stretched condition, is sewn, adhered, or welded (e.g., ultrasonically welded) to a piece of hook product. The combination of Buzzell et al. and Shepard et al. does not teach the stretching of a laminate of a nonwoven fibrous web layer that is in continuous contact with a thermoplastic web layer.

The Office Action does not provide a sufficient rationale why a person having ordinary skill in the art would modify the combined teachings of Buzzell et al. and Shepard et al. to stretch a laminate of a nonwoven fibrous web layer that is in continuous contact with a thermoplastic web layer. The Office Action does provide a rationale for using the nonwoven fastener loop of Shepard et al. in the method of Buzzell et al.: providing a stretchable loop material that is less expensive than conventional loop fabrics. Since this objective might be achieved by following the express teachings of Buzzell et al. and Shepard et al., why would a person of ordinary skill in the art modify the teachings to attempt to stretch an uncompressed nonwoven material at the same time as the thermoplastic web? No reason is provided in the Office Action.

Finally, the modification suggested by the Office Action would change the principle of operation of Shepard et al. According to the guidance provided in MPEP § 2143.01 VI, "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." The teachings of Shepard et al. relating to attaching the stretched nonwoven loop material to another surface, generally provide that this type of attachment is made after the loop material is stabilized in the stretched condition with a binder. According to Shepard et al. (col. 15, Ins. 16 and 17), the binder is used to "stabilize the fabric against significant further stretching and to strengthen the bases of the loops". The disclosure of Shepard et al. (col. 10, Ins. 9-13) does allow for the absence of a binder in limited circumstances. "In some applications, for instance those in which the loop product is directly adhered to a supporting fabric and which does not require substantial fastener strength, the loop product may be provided without a binder". But even in the absence of a binder, the principle of operation of the loop material of Shepard et al. is that it is stretched before it is attached to another material.

For at least the three reasons given above, Applicants request withdrawal of the rejection of claim 1 under 35 USC § 103(a) as being unpatentable over Buzzell et al. in view of Shepard et al.

Claims 3, 6-14, 16, 17, 19-26 and 34 each depend directly or indirectly from claim 1. Claim 1 is patentable at least for the reasons given above. Thus, claims 3, 6-14, 16, 17, 19-26

and 34 are likewise patentable. Similarly, new claims 35-39 each depend directly or indirectly from claim 1 and are likewise patentable.

In summary, the rejection of claims 1, 3, 6-14, 16, 17, 19-26 and 34 under 35 USC § 103(a) as being unpatentable over Buzzell et al. (US 6,582,642), which incorporates Kennedy et al. (US 5, 260, 015) into the disclosure by reference, and in further view of Shepard et al. (US 6,342,285) has been overcome and should be withdrawn.

Claim 2 is rejected under 35 USC § 103(a) as being unpatentable over Buzzell et al. (US 6,582,642), which incorporates Kennedy et al. (US 5, 260, 015) into the disclosure by reference, and in further view of Shepard et al. (US 6,342,285) and de Navas Albareda (US 4, 056,593).

Applicants traverse the rejection on the grounds that for at least three reasons, a proper *prima facie* case of obviousness has not been made. First the combination of Buzzell et al., Shepard et al., and de Navas Albareda does not include all of the elements of claim 2. For example, the combination does not teach the employment of a nonwoven fibrous web layer that is in continuous contact with a thermoplastic web layer to form a precursor web laminate that is subsequently stretched to form a stretched mechanical fastening web laminate. Secondly, the Office Action provides insufficient evidence that a person having ordinary skill in the art would modify these combined teachings to use a process in which an uncompressed, nonwoven material is stretched at the same time as the thermoplastic web. Finally, the proposed combination would change the principle of operation of Shepard et al. and is therefore insufficient to render the claims *prima facie* obvious.

In view of at least these three reasons, and in view of the related discussion provided above with respect to claim 1, the rejection of claim 2 under 35 USC § 103(a) as being unpatentable over Buzzell et al. in view of Shepard et al. and de Navas Albareda, has been overcome and should be withdrawn.

New claims 40 and 41 each depend directly from claim 2. Claim 2 is patentable at least for the reasons given above. Thus, claims 40 and 41 are likewise patentable.

Claim 27 is rejected under 35 USC § 103(a) as being unpatentable over Buzzell et al. (US 6,582,642), which incorporates Kennedy et al. (US 5, 260, 015) into the disclosure by reference,

and in further view of Shepard et al. (US 6,342,285), as applied to claims 1, 3, 6-14, 16, 17, 19-26 and 34 above, and in further view of de Navas Albareda (US 4, 056,593).

Applicants traverse the rejection on the grounds that for at least three reasons, a proper *prima facie* case of obviousness has not been made. First the combination of Buzzzell et al., Shepard et al., and de Navas Albareda does not include all of the elements of claim 27. For example, the combination does not teach the employment of a nonwoven fibrous web layer that is in continuous contact with a thermoplastic web layer to form a precursor web laminate that is subsequently stretched to form a stretched mechanical fastening web laminate. Secondly, the Office Action provides insufficient evidence that a person having ordinary skill in the art would modify these combined teachings to use a process in which an uncompressed, nonwoven material is stretched at the same time as the thermoplastic web. Finally, the proposed combination would change the principle of operation of Shepard et al. and is therefore insufficient to render the claims *prima facie* obvious.

In view of at least these three reasons, and in view of the related discussion provided above with respect to claim 1, the rejection of claim 27 under 35 USC § 103(a) as being unpatentable over Buzzzell et al. in view of Shepard et al. and de Navas Albareda, has been overcome and should be withdrawn.

Conclusion

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application, as amended, is requested. Applicants request a telephone interview to more fully understand the examiner's position and advance this case to issuance.

Respectfully submitted,

November 12, 2008

Date

By: /Kathleen B. Gross/

Kathleen B. Gross, Reg. No.: 56,676

Telephone No.: 651-737-4757

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833